

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

MARIA DREW-CUSHINGBERRY,

Case No.

Plaintiff,

Hon.

-vs-

Lower Court Case No. 20-002971-CK

UNITED OF OMAHA LIFE
INSURANCE COMPANY,

Defendant.

NOTICE OF REMOVAL

TO: Clerk of the Court
United States District Court
Eastern District of Michigan

Defendant files its Notice of Removal for removal of this civil action from the Circuit Court of Wayne County, Michigan to the United States District Court for the Eastern District of Michigan on the ground of federal question jurisdiction pursuant to 28 U.S.C. § 1331 as well as 28 U.S.C. §§ 1441 and 1446, and shows this Court as follows:

1. Plaintiff has sued defendant in this civil action which is styled as *Maria Drew-Cushingberry v. Mutual of Omaha*, Case No. 20-002971-CK, which was filed in the Circuit Court of Wayne County, Michigan.

2. Plaintiff served defendant's statutory agent with the summons and complaint on March 3, 2020; and defendant is filing the notice of removal with this Court within 30 days of receipt of the summons and complaint on March 5, 2020, in accordance with 28 U.S.C. § 1446(b).

3. Pursuant to 28 U.S.C. § 1446(b), a copy of the summons and complaint served upon defendant's statutory agent and filed in the state court action is attached as Exhibit A.

4. This civil action was removable on March 5, 2020, and remains removable pursuant to 28 U.S.C. § 1331 in that the civil action served by plaintiff on defendant's statutory agent arises under the laws of the United States; more specifically, this civil action arises under the Employee Retirement Income Security Act ("ERISA"), § 502, 29 U.S.C. § 1132 in that plaintiff seeks short-term and long-term disability benefits under an employee welfare benefit plan governed by ERISA and insured by defendant in accordance with Policy No. GLTD-0622G issued by defendant to employer Alternative for Girls covering eligible employees subject to the terms, conditions, and limitations of Policy No. GLTD-0622G.

5. This civil action is being removed to the Eastern District of Michigan, Southern Division, the district and division embracing the place where the action is pending. See 28 U.S.C. § 1441(a).

6. Written notice of filing this Notice of Removal will be sent to plaintiff via her counsel of record and provided to the Circuit Court of Wayne County, Michigan, as provided by 28 U.S.C. § 1441(d). A copy of the notice provided to the Circuit Court of Wayne County is attached as Exhibit B.

Respectfully submitted,

CLARK HILL PLC

By: /s/ James E. Brenner
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(313) 965-8300
Attorneys for Defendant

Date: March 30, 2020

CERTIFICATE OF SERVICE

I state that on March 30, 2020, the foregoing paper was filed with the Court via the ECF system and service was made upon counsel for Plaintiff, by U.S. Mail as follows:

Gad L. Holland, Esq.
500 Griswold Street, Suite 2435
Detroit, MI 48226

/s/ James E. Brenner

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